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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

YAZMIN C.,

Petitioner,

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

Respondent;

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Real Party in Interest.

B296114

(Los Angeles County  
Super. Ct. No. CK72753)

ORIGINAL PROCEEDING. Petition for extraordinary writ. (Cal. Rules of Court, rule 8.452.) Marguerite D. Downing, Judge. Petition denied; temporary stay order vacated.

Michael D. Randall for Petitioner.

No appearance for Respondent.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Veronica Randazzo, Deputy County Counsel, for Real Party in Interest.

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Petitioner Yazmin C. (Mother) seeks extraordinary writ review of the juvenile court's order, made at the 18-month permanency review hearing (Welf. & Inst. Code,<sup>1</sup> § 366.22), terminating Mother's reunification services and setting a selection and implementation hearing (§ 366.26) for her three youngest children—10-year-old Olga C., seven-year-old Emmanuel R., and four-year-old Benito R. Mother contends there was no substantial evidence to support the juvenile court's finding the Los Angeles County Department of Children and Family Services (Department) provided her with reasonable reunification services. Mother also argues it was an abuse of discretion to deny her request under section 352 to continue the 18-month review hearing. We deny Mother's petition.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### *A. Prior Dependency Case*

On June 4, 2008 the juvenile court declared Mother's five children—then six-year-old Saul A., four-year-old Y.J.A. (Y.J.),

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<sup>1</sup> Further statutory references are to the Welfare and Institutions Code.

three-year-old Jose A. (Jose), one-year-old Y.A.A. (Y.A.), and six-month-old Arturo A.—dependents of the court under section 300, subdivisions (a), (b)(1), and (j). The court sustained the allegations Mother physically abused Saul and Y.J. on numerous occasions, used phencyclidine, and tested positive for the drug at the time of Arturo’s birth. At the disposition hearing, the court removed the children from the custody of Mother and Jose A. (Father).<sup>2</sup> On April 10, 2009 the court granted Mother’s section 388 petition and returned the children to her custody.

On May 20, 2009 the Department filed a section 342 petition, and the court detained the children. On December 1, 2009 the court declared the children dependents of the court under section 300, subdivision (b)(1), and sustained the allegations Mother failed properly to administer Saul’s medication to treat his attention deficit hyperactivity disorder (ADHD), and Mother was unable to provide appropriate parental care and supervision of the children “due to the children’s acting out behavior.” On June 2, 2010 the court terminated jurisdiction and granted Mother sole legal and physical custody of the children, with Father having monitored visits.

#### B. *Current Petition and Detention*

On May 12, 2017 the Department filed a section 300 petition to declare Mother’s eight children dependents of the court—then 15-year-old Saul, 13-year-old Y.J., 11-year-old Jose, 10-year-old Y.A., nine-year-old Arturo, seven-year-old Olga C.,

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<sup>2</sup> Father is the biological father of Saul, Y.J., Jose, Y.A., and Arturo. He is not a party to the writ proceeding.

four-year-old Emmanuel R., and two-year-old Benito R.<sup>3</sup> Counts b-1 and d-1 of the petition alleged Mother failed adequately to supervise the children, which endangered the children's physical health and safety and placed them at risk of serious physical harm, damage, and sexual abuse. Both counts alleged that on one occasion Y.J. inserted his penis and urinated inside Olga's mouth. On prior occasions, Arturo got on top of Olga and simulated sexual intercourse with her.

At the May 12, 2017 detention hearing, the juvenile court released the children to Mother, as recommended by the Department. The court detained Olga, Emmanuel, and Benito from their respective fathers. The court ordered Mother to ensure Olga was not left alone with her brothers. In addition, the court ordered the Department to make unannounced visits to Mother's home, to provide counseling or therapy to the children, and to refer the family for wraparound services.

After the social workers learned of additional abuse and neglect of the children in Mother's care, on May 24, 2017 the court ordered the children removed from Mother. On May 30, 2017 the Department filed a first amended petition. Counts a-1, b-2, and j-1 alleged Mother physically abused Emmanuel, Olga, Arturo, Y.A., and Jose by hitting them with a plastic cooking spatula on their hands, and slapping Olga on the buttocks and right thigh. Counts a-2, b-3, and j-2 alleged Father physically

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<sup>3</sup> Olga, Emmanuel, and Benito were born after the filing of the prior dependency case. The whereabouts of Olga and Emmanuel's father and Benito's father were unknown. The fathers of the three children are not parties to this writ proceeding.

abused Saul by striking him with a USB cable on his right arm and back, inflicting red marks and bruises, and Mother failed to protect Saul. Counts b-4 and j-3 alleged Mother failed to take the children to dental examinations, and she did not make a dental appointment when Saul told her about his painful bleeding gums. Counts b-5, d-2, and j-4 alleged Mother and Father knew Saul, Y.J., Jose, Y.A., and Arturo had access to pornographic videos on their cell phones, but the parents failed to take any action to protect the children. Counts b-6 and j-5 alleged Mother failed to provide parental supervision over Saul and Y.J., who in Mother's presence engaged in a physical altercation and broke the living room window. Count b-7 alleged Mother medically neglected Saul, Y.J., Jose, Y.A., and Arturo by failing to administer medication to treat their ADHD.

On May 31, 2017 the Department filed a section 385 petition, requesting the court detain the children from Mother and Father. The petition stated the children were placed in foster homes: Saul was placed in one foster home; Y.J. and Jose were in a second; Y.A. and Arturo were in a third; Olga was in a fourth; and Emmanuel and Benito were in a fifth. On May 27, 2017 Y.A. ran away from his foster home, and, after the police found him, he was placed with another foster family. At the June 1, 2017 hearing, the court detained the children and ordered monitored visits for Mother, with the Department having discretion to liberalize visitation.

### C. *Jurisdiction and Disposition Hearing*

At the August 18, 2017 jurisdiction and disposition hearing, the juvenile court sustained the amended allegations in the first amended petition that Mother did not adequately supervise the

children in that the boys demonstrated inappropriate sexual boundaries, including sexual contact and access to pornographic videos (counts b-1 and d-1); Mother was unable to discipline her children appropriately given their special and unique needs (count b-2); Father was unable to discipline his children appropriately given their special and unique needs, and inappropriately disciplined Saul on prior occasions by inflicting injuries on him (count b-3); Mother failed to take the children for dental examinations since 2008, did not administer prescribed ADHD medication, and failed to follow up with mental health services for Saul, Y.J., Jose, Y.A., and Arturo (count b-4). The court dismissed the remaining counts.

The court declared the children dependents of the court under section 300, subdivisions (b)(1) and (d), and removed them from Mother's and Father's custody. The court ordered Mother to attend parenting classes, sex abuse awareness counseling, individual counseling to address case issues, and family planning. The court ordered the Department to provide the children with wraparound services, psychological or psychiatric evaluations and individual counseling for the six oldest children, and play therapy for Emmanuel and Benito. The court granted monitored visits for Mother, with the Department having discretion to liberalize visitation.

#### *D. Six-month Review Report and Hearing*

According to the February 1, 2018 six-month review report, on June 20, 2017 the Department placed Saul, Y.J, Jose, Y.A., and Arturo with the maternal grandmother. Saul did not have behavioral issues, but the social worker was concerned about his numerous school absences. Jose had poor school attendance,

displayed defiant and oppositional behavior, was physically aggressive towards his siblings, and had been placed on three hospital holds. He was hospitalized in September 2017 for nine days, after he acted aggressively with a fork toward Mother and threatened to kill himself because Mother would not buy him a television and a video game. Jose was placed on psychotropic medication and returned to the maternal grandmother's care.

In October 2017 the maternal grandmother requested Y.J., Y.A., and Arturo be removed from her home because of their behavioral problems. Y.J. was defiant towards the maternal grandmother and Mother, and was physically aggressive towards his siblings. According to the maternal grandmother, Y.J. was the bully and instigator among the boys, and he left home without permission. In addition, Y.J.'s behavior at school led to numerous conferences, detentions, and suspensions. On December 6, 2017 the Department placed Y.J. in a group home, but he ran away two days later and was not located until January 8, 2018. On January 11, 2018 the Department placed Y.J. in his fourth placement, with maternal cousins who lived in the same mobile home park as the maternal grandmother.

Maternal grandmother also had difficulty with Y.A., who exhibited defiant and oppositional behaviors and was physically aggressive toward his siblings and others. Y.A. hit the maternal grandmother with a broomstick, and on another occasion Y.A. punched Mother and the social worker. When the maternal grandmother prevented Y.A. from playing video games, he reacted by ripping furniture, breaking windows, and kicking holes in the walls of the mobile home. He also climbed on rooftops in an attempt to run away. Y.A. occasionally refused to attend school and would not follow maternal grandmother's

directions. In August 2017 Y.A. was hospitalized for nine days after he punched, kicked, bit, and choked Mother because she refused to buy him a video game. On October 10, 2017 the Department placed Y.A. with a foster family, his fourth placement. While at this placement, Y.A. had difficulty brushing his teeth and hair, bathing, and eating meals prepared by the family. Y.A. made false statements and acted aggressively at school toward the other children.

The maternal grandmother reported Arturo displayed immature, aggressive, and defiant behaviors. Sometimes he would run out of the home without permission. He refused to get ready for school and had numerous absences. He refused to shower, would not brush his teeth or hair, and experienced bed-wetting. On October 10, 2017 the Department placed Arturo in a group home, followed by a foster home on October 26, which was his fourth placement. Although Arturo appeared to adjust to the foster parents, he continued to have difficulty waking up, getting ready for school, and completing his homework. He disliked brushing his teeth and combing his hair and continued to wet the bed. On one occasion, Arturo grabbed the neck of the foster mother's son because Arturo wanted to wrestle. The foster mother caught Arturo stealing candy and, on another occasion, lying. Arturo did not follow the house rules and refused to do chores.

In July 2017 the Department placed Olga, Emmanuel, and Benito with the maternal great aunt, Marlen V. Marlen lived in the same mobile home park as the maternal grandmother and maternal cousins. Olga, Emmanuel, and Benito initially cried often and had tantrums, but over time they became comfortable in the home. Olga and Emmanuel regularly attended school and



all three children received annual physical and dental exams and weekly therapy sessions. The children had a positive relationship with Marlen, but missed Mother.

Mother did not have a permanent home; she lived in her car, in hotels, or with maternal aunt Dayana C., who lived in the same mobile home park as the maternal grandmother, the maternal cousins, and Marlen. Mother was cooperative with the social worker, participated in wraparound meetings, school meetings, parenting classes, and individual counseling, and regularly attended monitored visits. But the social workers observed Mother did not implement what she learned in parenting and counseling sessions. Mother bought the children whatever they wanted despite their poor behavior. Mother and Father bought each of the five oldest children a television and video game console, resulting in the children fighting with each other, playing games all the time, and refusing to comply with house rules in the children's placements.

At the May 7, 2018 six-month review hearing, the juvenile court found the Department had provided reasonable services to reunify the family. Further, the court found Mother was in substantial compliance with her case plan. The court ordered family counseling for Mother with the children, as appropriate. The court also ordered the Department to provide Mother with additional family reunification services.

E. *Last Minute Information for the Court Reports and 12-month Review Hearing*

The September 20, 2018 last minute information for the court reported Y.J. had been placed with the maternal grandmother, and Y.A and Arturo had been placed with Mother

for an “extended visit”<sup>4</sup> because of their negative behavior. On August 15, 2018 the maternal cousin accused Y.J. of helping his friend steal her family’s video games, and she refused to let Y.J. return to her home. The Department placed Y.J. with the maternal grandmother later that day.

On August 19 Y.A. jumped out of his foster parents’ car while they were exiting the freeway in San Diego. The police were called, and the foster parents refused to have Y.A. return to their home. According to a psychiatrist, Y.A. needed to be assessed and hospitalized because he was a danger to himself and others. Because there was no hospital bed available for Y.A., social worker Alicia Valdovinos placed him on an extended visit with Mother. On August 25 Y.A. was hospitalized for five days after he threw rocks at his siblings, bit Mother’s arms, and ran into the street.

On August 23 Arturo’s foster mother requested Arturo be removed from her home because he threatened her with a baseball bat and “was out of control.” The Department placed Arturo with Mother on an extended visit later that day.

Valdovinos reported that as of August 2018 Mother was being proactive in addressing the behavioral challenges facing Y.J., Y.A., Arturo, and Jose. On August 20 the Department approved Mother having unmonitored visits with all the children.

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<sup>4</sup> The practice of placing a child for an extended visit with the parent despite a substantial risk of harm to the child if returned to the parent’s custody is not authorized by the Welfare and Institutions Code (*Savannah B. v. Superior Court* (2000) 81 Cal.App.4th 158, 161), but the practice is not at issue in this case.

Mother took the children to their doctor's appointments, school meetings, and wraparound services. Valdovinos recommended the court order six more months of family reunification services and placement of Y.A. and Arturo in Mother's care with possible placement of the other children with Mother in the future.

The October 11, 2018 last minute information for the court reported the maternal grandmother had requested on October 3 the Department remove Saul, Y.J., and Jose from her home. The Department placed the three boys with Mother. At that point, Mother had the five oldest boys in her home. A few days later, Mother reported Saul, Y.J. and Jose were out of control. The five boys had physical altercations with Mother and each other, and they did not follow Mother's directions. The family had two wraparound teams working with them, but the behavioral problems in the home persisted. The police were called to Mother's home on five occasions in September and October 2018 because of the boys' conduct. In one incident, Y.A. caused extensive damage to the home with a baseball bat.

At the October 16, 2018 12-month review hearing, the juvenile court found the Department had provided reasonable services to reunify the family. The court also found Mother was in substantial compliance with her case plan. The court ordered the Department to provide additional reunification services and to assess the maternal grandmother's home for possible placement of Saul and Y.J.

F. *The 18-month Review Report and Last Minute Information for the Court*

The November 26, 2018 18-month review report stated Jose, Saul, and Y.A. had been removed in October from Mother's

home. On October 11 the Department placed Jose with Marlen and his younger siblings, Olga, Emmanuel, and Benito. Marlen reported Jose did not have problems following her directions and the house rules. Jose began regularly attending school and was trying to improve his grades. Jose was happy in the home and wanted to be adopted by Marlen.

On October 16 the Department placed Saul in maternal grandmother's home. The maternal grandmother did not want Y.J. placed in her home because of his aggressive behavior. Saul was doing well in the maternal grandmother's care, and he wanted her to be his legal guardian.

On October 24 the Department placed Y.A. with foster parents, after he was hospitalized for 13 days because of his aggressive behavior during a therapy session, including attacking Mother and one of his brothers, and destroying property.

Y.J. and Arturo remained in Mother's care. Once Jose, Saul, and Y.A. were removed from Mother's home, Y.J. began attending school, following Mother's directions, and avoiding fights with Arturo. However, Y.J. exhibited sexualized behavior—he exposed himself in front of his siblings, walked out of the bathroom naked, and told Jose he was going to rape him. Valdovinos recommended Mother reunify with only Y.J. and Arturo. However, on November 15, 2018 Y.A. was returned to Mother's care on a temporary basis after he ran away from his foster home, threatened his foster mother, and refused to attend school. The Department had trouble placing Y.A. because of his aggressive behavior and mental health issues.

Mother continued to have unmonitored visits with Olga, Emmanuel, and Benito. But the Department did not allow Mother to bring the three children to her home if Y.J. was there

because of his sexual conduct. Benito's therapist observed that after Mother began having unmonitored visits, Benito cried more and became more defiant and aggressive at home and school. Marlen explained Benito's behavior had regressed because he wanted to live with Mother; however, his behavior had improved over time.

Olga and Emmanuel continued to do well in Marlen's care and got along well with each other and their brothers, Jose and Benito. Olga wanted to return to Mother's care, but she understood it was difficult because her siblings fought and she did not like seeing the fights. Olga wanted to be adopted by Marlen. Emmanuel told the social worker he wanted to be with Mother and Marlen.

The January 14 and February 11, 2019 last minute information for the court reports recommended termination of family reunification services for Mother and Father as to Saul, Jose, Olga, Emmanuel, and Benito. The maternal grandmother agreed to be Saul's legal guardian. Jose, Olga, Emmanuel, and Benito continued to do well in Marlen's care, and Marlen was willing to adopt them. Marlen provided them with "structure, rules, consequences, patience and love," and Valdovinos believed it was not in their best interest to reunify with Mother.

Y.J., Arturo, and Y.A. had improved in their behavior with Mother. However, Valdovinos noted Mother had not gained insight into how her purchase of cell phones and video games for the three boys affected their education, social interactions, and emotional well-being. Valdovinos reported, "Most of the time, the children no longer want to engage with [Valdovinos] or [wraparound] team members as they have been playing during the monthly visits and they refuse to stop playing for a few

minutes to meet with [Valdovinos].” Valdovinos added, “Mother has not yet learned to have structure, boundaries or consequences for the children.” Further, Y.J. still had negative behavior. On January 8, 2019 Valdovinos observed Y.J. scream at Mother, blaming her for his inability to play video games resulting from the inconsistent electricity in the home. Y.J. became bored, hit Arturo, and made Arturo cry.

G. *The 18-month Permanency Review Hearing*

Valdovinos testified at the February 20, 2019 contested 18-month permanency review hearing for Saul, Jose, Olga, Emmanuel, and Benito. She had been assigned to the case since July 20, 2018. According to Valdovinos, Mother completed her case plan, including parenting classes, individual counseling, and conjoint counseling with Y.J., Arturo, and Y.A., which had commenced in December 2017. Valdovinos explained Olga, Emmanuel, and Benito could not be returned to Mother’s care because Mother did not provide structure in the home, and in November 2018 Y.J. had threatened sexually to abuse Jose. Valdovinos was concerned the children “do whatever they want.” Y.J., Arturo, and Y.A. called Mother names and did not listen to her. In addition, on the prior Monday the police were called to Mother’s home because Arturo broke two windows and “was out of control.” Y.A. reported Father had been in the home and hit him. Olga, Emmanuel, and Benito behaved well when they were with Marlen because they knew the rules. But when they were with Mother, they did not follow her directions.

Mother testified she wanted Olga, Emmanuel, and Benito to live with her. She did not believe Olga would be unsafe in her home with Y.J., Arturo, and Y.A. Further, Mother had a “safety

plan” to have Y.J., Arturo, and Y.A. placed with maternal relatives before the three youngest children returned. According to Mother’s plan, Y.J. would live with the maternal aunt Dayana, who already cared for Y.J. when Mother was at work. Y.A. would live with the maternal grandmother, and Arturo would reside with Marlen. Mother came up with the safety plan that morning and had not told Y.J., Arturo, or Y.A. However, Mother testified she discussed the plan with the maternal grandmother, Dayana, and Marlen before the hearing, and they were willing to take care of the respective boys.

Mother’s counsel conceded it would be unsafe for Olga, Emmanuel, and Benito to return to Mother’s care if Y.J., Arturo, and Y.A. remained in the home. But he argued that once the three older boys were removed, there would be no detriment to the safety of Olga, Emmanuel, and Benito if they returned to Mother’s home. He acknowledged Mother had not discussed her safety plan with the social worker, but he asserted Mother was not required to do so. Mother’s counsel requested continuance of the 18-month review hearing for the Department to review Mother’s safety plan if the court did not return Olga, Emmanuel, and Benito to Mother’s care.

After hearing testimony and argument of counsel, the court found Mother had completed her case plan and made substantial progress towards alleviating the causes necessitating placement. The court also found by clear and convincing evidence the Department had made reasonable efforts to reunify the family and had taken steps to finalize the permanent placements. The court found by a preponderance of the evidence the return of Saul, Jose, Olga, Emmanuel, and Benito to Mother’s physical

custody would create a substantial risk of detriment to their safety, protection, and physical and emotional well-being.

The court noted the three older boys were placed with Mother because there were no other placements for them. Y.A. was placed in Mother's home because "his placement fell apart because of his behavior." The court explained, "These children all together are bedlam. Just coming into the courtroom for these seven children, they pick at each other, . . . they don't listen, they do what they want. And they do it in court sometimes, they do it in the mother's home." The court added, "It is refreshing to read that with the current caretakers, they have them to the best of their ability in a regimen that seems to be working for these children. And so the court's view is Mother is hopeful, but she's not realistic about what these kids need." Further, "the sexualized behavior that's been a concern is still a concern. . . . [¶] [Mother] can't control the three she has at home."

The court rejected Mother's plan for removal of Y.J., Arturo, and Y.A. from her home, stating the plan was "not necessarily conducive or appropriate." Further, "[t]here's no information that these plans she's worked out are acceptable or that these caretakers would in fact take these children."

The court terminated Mother's family reunification services as to Saul, Jose, Olga, Emmanuel, and Benito. The court stated it was in the children's best interest to set a section 366.26 hearing. The court added the permanent plan for each of the five children was either legal guardianship or a planned permanent living arrangement. The court provided Mother with statutory notice.

Mother filed a timely notice of intent to file a writ petition as to Olga, Emmanuel, and Benito. On May 1, 2019 we issued an



order to show cause and a temporary stay of the section 366.26 hearing as to the three children.

## DISCUSSION

### A. *Substantial Evidence Supports the Juvenile Court's Reasonable Services Finding*

The juvenile court may generally provide reunification services to a family for up to 18 months. (§§ 361.5, subd. (a)(3), 366.22, subd. (a)(3); see *Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 249.)<sup>5</sup> If the juvenile court does not return the child to his or her parent or legal guardian at the 18-month permanency review hearing, the court must terminate reunification services and set a section 366.26 hearing to be held within 120 days. (§ 366.22, subd. (a)(3); see *Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 311.) Mother contends the Department failed to provide reasonable reunification services prior to the 18-month hearing, and therefore the juvenile court should have continued the permanency planning hearing beyond the 18-month statutory limit for reunification and not set a section 366.26 hearing. Mother's contention lacks merit because she was provided reasonable reunification services, but failed to implement what she learned.

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<sup>5</sup> Section 366.22, subdivision (b), authorizes the juvenile court to extend reunification services beyond the 18-month statutory limit in specified circumstances, not applicable here.

“The court shall determine whether reasonable services have been offered or provided to the parent or legal guardian.”<sup>6</sup> (§ 366.22, subd. (a)(3).) “To support a finding that reasonable services were offered or provided to the parent, ‘the record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult . . . .’” (*In re M.F.* (2019) 32 Cal.App.5th 1, 14; accord, *T.J. v. Superior Court* (2018) 21 Cal.App.5th 1229, 1240.)

We review the juvenile court’s finding that reasonable reunification services were provided to the parent under the substantial evidence standard. (*In re M.F.*, *supra*, 32 Cal.App.5th

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<sup>6</sup> The Department, joined by Olga, Emmanuel, and Benito, contends the juvenile court is not required to make a reasonable services finding at the 18-month permanency review hearing before terminating reunification services, relying on *N.M. v. Superior Court* (2016) 5 Cal.App.5th 796, 807, *Earl L. v. Superior Court* (2011) 199 Cal.App.4th 1490, 1504, *Denny H. v. Superior Court* (2005) 131 Cal.App.4th 1501, 1511-1512, and *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1015-1016. But under section 366.22, subdivision (a)(3), the court is obligated to determine whether reasonable services have been provided. (*Cynthia D. v. Superior Court*, *supra*, 5 Cal.4th at p. 249 [“The court must also determine whether reasonable reunification services have been offered.”]; *In re M.F.* (2019) 32 Cal.App.5th 1, 14 [“At the 12-month and 18-month review hearings, the juvenile court may not set a section 366.26 hearing unless it finds by clear and convincing evidence that reasonable services were offered or provided to the parent.”].)

at p. 14; *T.J. v. Superior Court*, *supra*, 21 Cal.App.5th at p. 1239.) “In determining whether there is substantial evidence to support the court’s reasonable services finding, we review the record in the light most favorable to the court’s finding and draw all reasonable inferences from the evidence to support the findings and orders. We do not reweigh the evidence or exercise independent judgment, but merely determine whether there are sufficient facts to support the findings of the trial court.” (*M.F.*, at p. 14; accord *In re A.G.* (2017) 12 Cal.App.5th 994, 1001; see *In re I.J.* (2013) 56 Cal.4th 766, 773.) The petitioner has the burden to show the evidence is insufficient to support the juvenile court’s findings. (*M.F.*, at p. 14; *A.G.*, at p. 1001.)

Substantial evidence supports the juvenile court’s finding the services offered to Mother between the 12-month and 18-month review hearings were reasonable under the circumstances. (*In re A.G.*, *supra*, 12 Cal.App.5th at p. 1001 [“The ‘adequacy of reunification plans and the reasonableness of the [Agency’s] efforts are judged according to the circumstances of each case.’”]; *Tracy J. v. Superior Court* (2012) 202 Cal.App.4th 1415, 1426 [same].) The Department tailored Mother’s case plan to remedy the issues that led to her loss of custody. At the disposition hearing, the court ordered Mother to attend parenting classes, sex abuse awareness counseling, individual counseling to address case issues, and family planning. It is undisputed Mother completed her case plan by February 15, 2018, and Valdovinos maintained contact with Mother throughout the case. In addition, the Department complied with court orders to provide the children with psychological or psychiatric evaluations, wraparound services, and individual counseling for the six oldest children, and play therapy for Emmanuel and Benito.

During the period between the 12-month and 18-month review hearings, the Department had maintained monthly in-person contact with Mother and the children; monitored the children's educational, medical, dental, and psychological needs; arranged and facilitated visits between Mother and the children; provided Mother with referrals to community providers; conducted an engagement meeting with Mother; collaborated with the service providers, school personnel, and wraparound teams on the case plan for Mother and the children; conducted crisis intervention for the family; attended individualized education program meetings for the children; attended wraparound meetings; attended "child family" team meetings; and referred Y.A. to services. As of October 2018, the Department had two wraparound teams working with the family to address the children's behavioral issues.

Notwithstanding these services, Mother did not implement what she learned. In the February 11, 2019 last minute information for the court, Valdovinos noted, "Mother has not yet learned to have structure, boundaries or consequences for the children." Mother failed to understand her purchase of cell phones and video games for Y.J., Arturo, and Y.A. negatively affected their education, social interactions, emotional well-being, and the value of their wraparound services. Further, despite Y.J.'s sexualized behavior in November 2018, Y.J.'s prior sexual conduct in which he inserted his penis and urinated inside Olga's mouth, and Arturo's previous simulation of sexual intercourse with Olga, Mother testified at the 18-month review hearing she did not believe Olga would be at risk with Y.J., Arturo, and Y.A. present in the home. The fact Mother failed to benefit from the comprehensive reunification services provided by the Department

does not mean the Department failed to provide her with reasonable services.

B. *The Juvenile Court Did Not Abuse Its Discretion in Denying Mother's Request To Continue the 18-month Permanency Review Hearing*

Mother contends the juvenile court abused its discretion in denying her request to continue the 18-month permanency review hearing to enable her to reunite with Olga, Emmanuel, and Benito. She argues Y.J., Arturo, and Y.A. were doing well in her care, and Olga, Emmanuel, and Benito wanted to return to her custody. But continuance of the 18-month permanency review hearing would have been contrary to the best interests of the three youngest children.

Although continuances are discouraged in dependency cases, they may be granted upon a showing of good cause, provided they are not contrary to the child's interest. (*In re D.Y.* (2018) 26 Cal.App.5th 1044, 1056; *In re Elizabeth M.* (2018) 19 Cal.App.5th 768, 779.) "Upon request of counsel for the parent . . . , the court may continue any hearing . . . beyond the time limit within which the hearing is otherwise required to be held, provided that a continuance shall not be granted that is contrary to the interest of the minor. In considering the minor's interests, the court shall give substantial weight to a minor's need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements." (§ 352, subd. (a)(1).) "Continuances shall be granted only upon a showing of good cause and only for that period of time shown to be necessary by the evidence presented at the hearing on the motion for the

continuance. . . .” (§ 352, subd. (a)(2).) We review the juvenile court’s grant or denial of a continuance for an abuse of discretion. (*D.Y.*, at p. 1056; *Elizabeth M.*, at p. 780.)

Although Valdovinos reported Y.J., Arturo, and Y.A. were doing better while living with Mother, they continued to have behavioral issues that made it unsafe for Olga, Emmanuel, and Benito to return to Mother’s custody. Indeed, Mother’s counsel conceded it would be unsafe for Olga, Emmanuel, and Benito to return to Mother’s care if the older boys remained in the home. Y.J. screamed at Mother, hit Arturo, threatened to rape Jose, exposed himself in front of his siblings, and walked out of the bathroom naked. Arturo was “out of control” and broke two windows in Mother’s home two days before the 18-month review hearing. Y.A. had been hospitalized and threatened his foster mother just before he was placed with Mother in November 2018. Mother still failed to establish structure, boundaries, or consequences to address the boys’ negative behavior, and she continued to buy them whatever they wanted.

Mother argues the trial court should have continued the 18-month review hearing to determine whether her plan to place Y.J., Arturo, and Y.A. with relatives would have allowed Olga, Emmanuel, and Benito to return to her custody. Mother proposed Y.J. could be placed with the maternal aunt Dayana, Y.A. could be placed with the maternal grandmother, and Arturo could live with Marlen. But Mother came up with the plan the morning of the hearing, and had not told Y.J., Arturo, or Y.A. Mother also had not advised Valdovinos of her plan, and therefore the Department had not assessed Dayana for placement of Y.J. or determined whether the maternal grandmother would take Y.A. and Marlen would take Arturo. Although Mother

testified she discussed her plan with the maternal grandmother, Dayana, and Marlen before court, and they were willing to take care of the respective boys, the juvenile court could reasonably disbelieve that the relatives had agreed to take the children. Mother did not call the relatives as witnesses, instead relying on her own statements they supported her plan. Further, given the maternal grandmother's request Y.A. be removed from her home in October 2017 and her refusal to take Y.J. into her home in October 2018, it is unlikely she would have accepted placement of Y.A. in her home. Y.J. and Arturo were similarly hard to place and had significant behavioral issues, including sexualized behavior. As the juvenile court concluded, "none of those other placements are possibly appropriate," noting Y.A. was placed in Mother's home because his placements continued to fall apart because of his behavior.

Moreover, Olga, Emmanuel, and Benito were doing well in Marlen's care and got along well with Jose. As of the time of the 18-month permanency hearing, Marlen was continuing to provide the children with a "stable home environment and . . . with all the necessities the children need to thrive in life." Olga wanted to be adopted by Marlen, and Emmanuel wanted to be with either Mother or Marlen. Benito initially acted aggressively in Marlen's care because of his desire to return to Mother, but his behavior improved over time. When the three children were with Marlen, they behaved well because she provided them with "structure, rules, [and] consequences." But when they were with Mother, they did not follow her directions. The juvenile court expressed its concern that returning the three youngest children to Mother was not in their best interest because "she can't control the three she has at home."

The trial court did not abuse its discretion in denying Mother's request for a continuance under section 352 of the 18-month permanency review hearing.

### **DISPOSITION**

The petition is denied on the merits. The May 1, 2019 order staying the section 366.26 hearing is vacated.

FEUER, J.

WE CONCUR:

PERLUSS, P. J.

SEGAL, J.